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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/809,421	03/16/2001	William Martin Snelgrove	13222.00038	4905

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PATENT ADMINSTRATOR
KATTEN MUCHIN ZAVIS ROSENMAN
525 WEST MONROE STREET
SUITE 1600
CHICAGO, IL 60661-3693

EXAMINER

FELTEN, DANIEL S

ART UNIT	PAPER NUMBER
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3624

DATE MAILED: 12/03/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.
09/809,421

Applicant(s)
Snelgrove et al

Examiner
Daniel Felten

Art Unit
3624



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Aug 26, 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 24-38, 40, 41, 44, and 46-49 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 24-38, 40, 41, 44, and 46-49 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- *See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____ 6) ☐ Other:

DETAILED ACTION

1
2 1. Receipt of the amendment filed August 26, 2002 canceling claims 39, 42, 43 and 45
3 and amending claims 24-26, 34, 41, 44, 46 and 47 is acknowledged. Claims 24-38, 40, 41, 44
4 and 46-49 are now pending in the application and are presented to be examined upon their
5 merits.

Response to Arguments

6
7
8 2. Applicant's arguments with respect to claims 24-38, 40, 41, 44 and 46-49 have been
9 considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

10
11
12 3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all
13 obviousness rejections set forth in this Office action:

14 (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth
15 in section 102 of this title, if the differences between the subject matter sought to be patented and the prior
16 art are such that the subject matter as a whole would have been obvious at the time the invention was
17 made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall
18 not be negated by the manner in which the invention was made.
19

1 4. Claims 24-38, 40, 41, 44 and 46-49 rejected under 35 U.S.C. 103(a) as being
2 unpatentable over Nitta (US 5,347,306) and Harrington et al (Hereinafter "Harrington, US
3 6,161, 099)

4
5 Nitta discloses a system, as in claims 24, 34 and 41 which may be used as an auction
6 system for use over a communication network (see Nitta Abstract), comprising:

7 an participant voice transmitter (see *microphone--26* and *audio transmission unit--62*) for
8 entering participant voice messages from a participant (see col. 4, ll. 43 to col. 43-63; and col. 5,
9 ll. 44 to col. 5, ll. 6);

10 a plurality of participant voice terminals (*station #1, station #2, station #3*) each for
11 entering voice participant messages from a participant respective thereto, each of said
12 participant voice terminals also for presenting voice participant messages from other participant
13 and said participant voice messages (see col. 4, ll. 43-55);

14
15
16 a connecting means (*bus--36* or *audio bus--60*) interconnecting said transmitter and said
17 terminals (see col. 4, ll. 63+; and col. 5, ll. 57 to col. 6, ll. 9);

18 a processing means (*persona control unit--20*) attached to said connecting means (*audio*
19 *bus--60*) for converting said participant voice messages and said voice participant messages into

1 participant data signals each of said participant data signals containing a participant identifier
2 and participant information (see col. 4, ll. 56 to col. 5, ll. 8); and

3 recognizing means from converting said and voice bidder messages into a bidder data
4 signal;

5 as in claims 34 and 33, background noise reducing means from reducing background
6 noise originating at least one of said auctioneer voice transmitter and said plurality of bidder
7 voice terminals(see audio transmission unit--62, col. 6, ll. 41-50); and

8 an output means (see fig. 1, SPKR or speakers-- 91 and 92) connected to said processing
9 means (persona control unit--20) for presenting said participant data signals contain said
10 participant identifier and said participant information to said (see fig.2, col. 5, ll 4+).

11 Harrington discloses a process and apparatus for conducting auction over an electronic
12 network , as in claim 29, 30, 31, 34 and 36, time compensation means attached to said
13 connecting means for determining propagation delays of signals within said network and utilizing
14 said propagation delays from ordering said active bidder messages according to a real-time order
15 in which said network and utilizing and propagation delays for ordering said active bidder
16 messages according to a real-time order in which said bidder messages were entered(see
17 Harrington, col. 4, ll. 34 to col. 5, ll. 42); furthermore, wherein said time compensation means
18 further utilizes said propagation delays for alerting said auctioneer that one or more of said
19 bidders entered one of said bidder messages before hearing that bidding was closed (see
20 Harrington, col. 4, ll. 34 to col. 5, ll. 42).

1 Harrington discloses, as in claims 25 and 41, as wherein said processing means further
2 comprises a *message selector* for determining whether said voice participant message are active
3 participant messages or inactive participant messages such that only said active participant
4 messages *are converted into participant data signals* to be presented at said output device .

5 Harrington discloses, as in claims 26, 35, 40, 41, 44-49 wherein the bidder voice
6 terminals are attached are attached, via said connection means, to said message selector such that
7 only said active bidder messages *are converted into bidder data signals to be* presented at said
8 bidder voice terminals (see col. 9, ll. 12+).

9 Harrington discloses wherein said inactive bidder messages are returned to an originating
10 bidder voice terminal each accompanied by a message that each bidder message was determined
11 to be inactive (see col. 4, ll. 56+).

12 Harrington, as in claims 31, 32, 37, 38, wherein said propagation delay estimates are
13 obtained by estimating the delay before receiving an echo from each bidder voice terminal (see
14 col. 9, ll. 12+).

15 In view of the teachings of Harrington, it would have been obvious for an artisan at
16 the time of the invention to employ/integrate an auction network with auctioneer and bidder
17 terminals/computers, as well as the other aforementioned features taught by Harrington
18 because an artisan at the time of the invention of Nitta would have recognized such
19 modifications as obvious extensions to the teachings of Nitta to provide a configuration
20 wherein his system maybe used to provide an auction for participants. Thus such a

1 modification would have constituted an obvious matter of design choice well within the
2 ordinary skill in the art.

3 On the other hand, it would have been obvious to an artisan at the time of the
4 Harrington invention was made to integrate the aforementioned features taught of Nitta into
5 Harrington because an artisan at the time of the invention of Harrington would have desired to
6 provide a remote interactive auction wherein participants have a "sense" of the presence of the
7 other bidders involved. Thus all bidders are present within a virtual meeting place and are
8 able to interact visually as well as audibly in a manner that would be similar to a conventional
9 auction. Thus to employ the teachings of the Nitta system into the Harrington system would
10 add to the excitement of the auction process and thus have been an obvious expedient well
11 within the ordinary skill in the art.

12
13 ***Conclusion***

14
15 5. A list of relevant prior art appears below not relied upon in this Office Action:

16 **US Patents:**

17 Ludwig et al (US 5,617,539) discloses a multimedia collaboration system with separate data
18 network and A/V network controlled by information transmitting on the data network

19 Uppaluru (US 5,915,001) discloses system and method for providing and using universally
20 accessible voice and speech data files

21 Woolston (US 5,845,265) discloses consignment nodes
22

1 Wagner (US 4,903,201) discloses an automated futures trading exchange

2
3 6. Any inquiry concerning this communication or earlier communications from the examiner
4 should be directed to **Daniel S. Felten** whose telephone number is (703) 305-0724. The
5 examiner can normally be reached between the hours of 7:00AM to 5:30PM Monday-Thursday.
6 Any inquiry of a general nature relating to the status of this application or its proceedings should
7 be directed to the Customer Service Office (703) 306-5631, or the examiner's supervisor
8 **Vincent Millin** whose telephone number is (703) 308-1065.

9
10 7. Response to this action should be mailed to:

11
12 Commissioner of Patents and Trademarks

13 Washington, D.C. 20231

14
15
16 for formal communications intended for entry, or (703) 305-0040, for informal or draft
17 communications, please label "Proposed" or "Draft".

18 Communications via Internet e-mail regarding this application, other than those under 35
19 U.S.C. 132 or which otherwise require a signature, may be used by the applicant and should be
20 addressed to [daniel.felten@uspto.gov].

21
22
23 All Internet e-mail communications will be made of record in the application file. PTO
24 employees do not engage in Internet communications where there exists a possibility that
25 sensitive information could be identified or exchanged unless the record includes a properly

Serial Number: 09/809,421

Applicant(s): Snelgrove et al. (705/37)

Page 8

Art Unit: 3624


Representative: Bauer (31,558)

1 signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly
2 set forth in the Interim Internet Usage Policy published in the Official Gazette of the Patent and
3 Trademark on February 25, 1997 at 1 195 OG 89.
4
5
6

7 

8 DSF

9 November 21, 2002


VINCENT MILLIN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600